



# Department of Pesticide Regulation



Mary-Ann Warmerdam  
*Director*

Arnold Schwarzenegger  
*Governor*

**Tuolumne County  
Pesticide Regulatory Program  
2006/2007 Performance Evaluation Report**

**California Environmental Protection Agency  
Department of Pesticide Regulation  
1001 I Street  
Sacramento, California 95814**

March 26, 2008



## **Performance Evaluation of the Tuolumne County Agricultural Commissioner Pesticide Use Enforcement Program**

This report provides a performance evaluation of Tuolumne County Agricultural Commissioner's (CAC's) Pesticide Use Enforcement (PUE) program for the fiscal year 2006-2007. The assessment evaluates the performance goals identified in the CAC's enforcement work plan as well as the program's adherence to the Department of Pesticide Regulation (DPR) standard as described in the Pesticide Use Enforcement Standards Compendium.

### **I. Summary Report of Core Program Elements**

Throughout the fiscal year, the core areas of Tuolumne County's pesticide enforcement program were evaluated: restricted materials permitting, compliance monitoring, and enforcement response. The report findings are based on field observations, review of county records, interviews of relevant staff, and an evaluation of pesticide use and illness investigations for the fiscal year 2006/2007.

#### **A) Restricted Materials Permitting:**

The restricted materials permitting program element was found to meet DPR standards and work plan goals.

#### **B) Compliance Monitoring:**

The compliance monitoring program element was found to meet DPR standards and work plan goals.

#### **C) Enforcement Response:**

The enforcement response program element was found to meet DPR standards and work plan goals.

### **Summary Statement:**

Tuolumne CAC's pesticide use program is currently effective.

### **II. Assessment of Core Program Effectiveness and Work Plan Goals**

#### **A) Restricted Materials Permitting:**

##### **1) Permit Issuance**

Tuolumne County uses the Restricted Materials Permit Program (RMPP) to issue permits. Staff interviews each restricted materials permit applicant to determine if the applicant is the operator of the property and has met the requirements to hold a restricted materials permit. If the applicant is not the operator of the property, a letter of authorization is required to be in the applicant's possession prior to the issuance of the permit. If the applicant possesses a Private Applicator Certificate or a Qualified Applicator License, the numbers are verified and listed on the restricted materials permit.

Maps are used to help evaluate the surrounding environment and identify sensitive sites, such as, federal lands, organic growers, schools, residential areas, and waterways. Restricted materials permits are amended in person. When the permit is amended, it is entered into the RMPP Program; a new permit is printed, signed and attached to the original permit.

The Tuolumne County Agricultural Commissioner's office only issues restricted materials permits for a one-year period. Approximately 30 restricted materials permits and 110 Operator I.D.s were issued in 2007.

The DPR evaluation determined that permits are:

- Issued only to qualified applicants
- Signed by the operator of the property or authorized persons
- Issued for a one-year time period
- Permit amendments follow approved procedures

## **2) Site Evaluation**

The CAC staff adequately evaluated permits and determined if practical mitigation measures could be implemented, or if the use of feasible alternatives was required. The biologist issuing the restricted materials permit reviews permit conditions that apply to the pesticides on the permit, and conditions the permit accordingly.

The permits:

- Contained the necessary information
- Identified treatment areas and sensitive areas that could be adversely impacted by the permitted uses
- Identified mitigation measures and included conditions that addressed known hazards

Notices of intent (NOI) are received by fax, mail, voice mail, and walk-ins. All notices of intent are reviewed by licensed pesticide enforcement staff that check NOIs against the restricted materials permit. Licensed staff has the authority to accept or deny notices of intent. The operator of the property and pest control business is contacted when a notice of intent is denied. One hundred eighty-four notices of intent were reviewed and processed in 2006/2007. The majority of the NOIs were received from the forestry service for the application of strychnine.

The program reviews all notices of intent in a timely manner and adequately monitors agricultural and non-agricultural permits utilizing pre-application site evaluations and use monitoring inspections.

## **B) Compliance Monitoring:**

### **1) Inspections**

Tuolumne County's pesticide use enforcement staff possess licenses in pesticide regulation and investigation, and environmental monitoring.

Staff conducting pesticide use inspections issue a violation notice for any criteria item marked "No" on the inspection form. When worker safety non-compliances are found during an inspection, the biologist conducts a headquarters/employee safety inspection and any follow-up inspections required. The biologist and Deputy Agricultural Commissioner also review the compliance history for the firm/person inspected. The Deputy Agricultural Commissioner is responsible for preparing the case file and Notice of Proposed Action.

Inspections performed by the CAC were found to:

- Adequately address label, law and regulatory requirements
- Include interviews of employers and employees
- Adequately document violations
- Include appropriate follow-up inspections and procedures

### **2) Investigations**

The Tuolumne County Deputy Agricultural Commissioner follows up on all complaints. All incidents or complaints associated to pesticides are investigated, reports are written, and each case is completed in a timely manner. The CAC refers, and/or notifies DPR and other agencies as required.

Investigations are thorough, complete and submitted on approved forms, in the approved format. The investigations document violations, and evidence is collected according to DPR standards. The investigations provide the information necessary to successfully prosecute violations. A complaint log is maintained and made available to the liaison for review.

## **C) Enforcement Response:**

When non-compliances are found during inspections and investigations, Tuolumne County Pesticide Enforcement staff issue violation notices. The Deputy Agricultural Commissioner reviews the compliance history of each respondent, and utilizes the pesticide enforcement response regulations to determine if enforcement action is warranted. The inspector conducts a follow-up inspection, which includes a headquarter employer/employee inspection when worker safety non-compliances are found. Enforcement actions are taken when violations are found on incidents involving drift, pesticide related illnesses, or when required by pesticide enforcement response regulations. When enforcement actions are not taken, a decision report is written listing the violations found, classification, and a compliance history for the

respondent along with an explanation. The Agricultural Commissioner signs the decision report, which is forwarded to DPR.

The CAC enforcement program was found to:

- Initiate the appropriate action when violations are identified
- Sufficiently support compliance, enforcement and public protection actions

### **III. Recommended Corrective Actions**

No corrective actions are currently needed.

### **IV. Non-Core and Desirable Activities**

#### **A) Outreach and Training**

The Tuolumne County Agricultural Commissioner's office provides pesticide safety training to workers including school employees, growers, and pesticide applicators. The CAC also offers continuing education courses, which include information on restricted materials permits, pesticide use reporting, record keeping, enforcement actions, employee training, pesticide safety, how to read and understand pesticide labels, updates on pesticide laws and regulations, and on-line resources provided by the Department of Pesticide Regulation.